

LFC Requester:**Julia Downs****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:*Original ☒ Amendment ☐
Correction ☐ Substitute ☐**Date** 01/25/2016**Bill No:** SJR4**Sponsor:** Sen. Lisa Torracco**Agency Code:** 305**Short** Court Jurisdiction on Certain**Person Writing** Jason Yamato, AAG**Title:** Cases**Phone:** 505.222.9163 **Email** jyamato@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|------------------------------|------------------|
| FY16 | FY17 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY16 | FY17 | FY18 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY16 | FY17 | FY18 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis: SJR 4 proposes to remove certain cases from the jurisdiction of the District Court. Specifically, SJR 4 proposes to remove the appellate jurisdiction of the District Court for "on the record driving while under the influence of intoxicating liquor or drugs cases or domestic violence cases from metropolitan court."

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

This provision potentially conflicts with Article VI, Section 27 of the New Mexico Constitution as well as Section 34-8A-6, NMSA 1978. 34-8A-6 provides that "[a]ny party aggrieved by a judgement rendered by the metropolitan court in a criminal action involving driving while under the influence of intoxicating liquor or drugs or involving domestic violence may appeal to the district court." Article VI Section 27 states "Appeals shall be allowed in all cases from the final judgments and decisions of the probate courts and other inferior courts to the district courts, and in all such appeals, trial shall be had de novo unless otherwise provided by law."

PERFORMANCE IMPLICATIONS

The dramatic increase in the amount of cases handled by the Court of Appeals as a result of the change proffered by SJR 4 would cause a dramatic increase in the amount of cases handled by the Appellate Division of the Attorney General's Office. SJR 4 does not provide for an increase in budget to hire additional attorneys or staff.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

SJR 4 would confer jurisdiction from all DUI and DV cases from the metropolitan court to the Court of Appeals. This would result in the influx of a tremendous amount of new cases for the Court to consider but provides no funding for additional attorneys, paralegals, nor judges potentially overburdening the Court. This would cause significant delay in appellate decisions based upon the sheer number of new cases. This delay could have a profound impact on the viability of prosecution of cases post appellate decision due to the diminished memory and lack of availability of witnesses who must be located months or years after the date of incident.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A